

# INFORMATION LETTER

Not for Publication      NATIONAL CANNERS ASSOCIATION      For Members Only

No. 626

Washington, D. C.

November 7, 1936

## LICENSE REQUIREMENTS

### Applicability of Perishable Agricultural Commodities Act to the Canning Industry

The applicability of the Perishable Agricultural Commodities Act to the canning industry has been the subject of numerous inquiries received by the Association during the past two or three years. The following memorandum, prepared by the Association's counsel, answers not only a specific inquiry with respect to the Act but also other questions that have been asked by canners.

The question has arisen whether canners who purchase fruits and vegetables solely under contracts with the growers, and who make no purchases in the open market, are subject to the licensing provision of the Perishable Agricultural Commodities Act of 1930. In many instances canners prior to a growing season enter into contracts with farmers whereby the latter agree to plant so much acreage in a particular crop, and to sell the entire output to the canner at a certain price. The canner in many instances furnishes the seed to the farmer, and may furnish fertilizer or make cash advances. It has been suggested that the Act does not apply to canners who purchase in this fashion, but only to those buying in the open market.

The Perishable Agricultural Commodities Act was passed by Congress on June 10, 1930. (Public No. 325, 71st Congress; 46 Stat. 531; 7 U. S. C. A. 499.) The general purpose of the Act is the regulation of interstate commerce in the marketing of fresh fruits and vegetables, and the suppression of certain unfair practices which were prevalent in the trade, such as the rejection of purchases when the market declined, and failure to deliver when prices have risen.

To achieve this purpose the Act in Section 3 requires all commission merchants, dealers, and brokers dealing in fresh fruits and vegetables to take out an annual license and pay a fee of \$10.00. Persons who engage in such a business without a license are subject to a penalty of not more than \$500 for each offense plus not more than \$25 for each day the offense is continued. In addition the Federal Courts are given power to enjoin the carrying on of such a business without a license. (Sec. 8) The Secretary of Agriculture is given the power to suspend or revoke the license of any person found guilty of the practices made unlawful by the Act. (Sec. 8 and Sec. 2.)

The commission merchants, dealers, and brokers who are subject to these licensing provisions are defined in Section 1 of the Act. The definitions of commission merchants and brokers clearly have no application to the canning industry as they contemplate persons who merely act as agents receiving a commission or a brokerage fee. Par. 5 defines "commission merchant" as a "person engaged in the business of receiving in interstate or foreign commerce \* \* \* for sale,

on commission." A "broker" is defined in Par. 7 as a "person engaged in the business of negotiating sales and purchases \* \* \* in interstate commerce." The definition with which we are primarily concerned is that of "dealer" contained in Par. 6 of Section 1. In the form in which the Act was originally passed in 1930 this was:

"(6) The term 'dealer' means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a 'dealer' in respect of sales of any such commodity of his own raising; and (B) no person buying any such commodity solely for sale at retail shall be considered as a 'dealer' in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty."

Paragraph 8 of the same section defines interstate commerce within the meaning of the Act as including all transactions where the

"commodity is part of that current of commerce usual in the trade in that commodity whereby such commodity and/or the products of such commodity are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where sale is either for shipment to another State, or for processing within the State and the shipment outside the State of the products resulting from such processing." (Italics supplied.)

(Continued on page 5090)

## WALSH-HEALEY ACT REGULATIONS

### Labor Department Issues Statement Regarding Statutory Exemptions

The Secretary of Labor has issued a statement to the heads of all departments and establishments for the purpose of elaborating and clarifying Article 2 (Statutory Exemptions) of the regulations adopted by the Department for administration of the Walsh-Healey Act. Article 2 interpreted the Act as exempting from the labor restrictions:

"Perishables, including dairy, livestock, and nursery products ('perishables' cover products subject to decay or spoilage, and not products canned, salted, smoked, or otherwise preserved)."

Embodied in the letter are two lists representing an advisory opinion of the Provisions Committee of the Federal Specifications Executive Committee classifying various items as perishable and not perishable.

The Committee did not classify any canned foods as perishable. On the other hand the list of perishables includes,

among other items, evaporated fruits, bacon of certain types, bulk dried beef, bulk corned beef, salted or smoked fish, smoked ham, dried salted pork, sausage of various types, and smoked tongue. The letter states that:

"In deciding whether or not to include the stipulations set forth in Article 1 the contracting officer must determine whether the commodity for which he proposes to advertise for bids is a perishable in fact, i.e., subject to deterioration after delivery unless affirmative steps (e.g., refrigeration, ventilation, etc.) are taken by the Government to preserve it. If the commodity is a perishable in this sense, he is not required to insert the stipulations regardless of whether the product is canned, salted, or smoked. If the commodity has been processed before the time of delivery so that it is no longer a perishable as thus defined, the stipulations should be inserted in the invitation for bids irrespective of whether or not the commodity was a perishable before processing.

"The contracting officer is the final judge of whether a commodity is a perishable in fact, but in calling for bids for meats and other food products the contracting officer shall be guided by an advisory opinion of the Provisions Committee of the Federal Specifications Executive Committee \* \* \*."

#### Tri-State Canners to Meet December 2 and 3

The date of the annual meeting of the Tri-State Packers Association has been changed to December 2nd and 3rd. The meeting will be held at the Benjamin Franklin Hotel in Philadelphia.

#### CORN BORER SURVEY

##### Pest Holds Own Generally Despite Drought and Pushes Farther South

The European corn borer appeared this year, for the first time, on the mainland of Virginia—the farthest south it has ever gone. It is not known to have spread west of its previous boundary, however. The 1936 survey by the U. S. Department of Agriculture conducted solely to determine the economic status of the pest revealed that the corn borer has more than held its own throughout this territory as a whole, despite marked decreases from the drought in western New York and in large areas in Michigan, Ohio, and Indiana.

The number of borers, the survey showed, increased significantly in the border States—a danger sign of possible spread beyond the present territory if next season is favorable for its development. The average number of borers to 100 plants in Ohio increased from 36.8 in 1935 to 50.6 in 1936; and in Michigan from 45.7 in 1935 to 57.8 in 1936.

The survey of 1,388 corn fields in the Lake States showed a definite decrease in the 1936 infestation, over that of 1935, in eastern Indiana, in the lower two-thirds of the western half of Ohio, and in Michigan's "thumb." The northwestern corner of Ohio and southeastern Michigan, west of Lake Erie, had as many borers this year as last, with significant increases in 11 of the 23 counties surveyed. The New York counties bordering Lake Ontario and Lake Erie, however, stayed at the relatively low borer levels of 1935.

Only negligible numbers were found in central Indiana and in the southwestern corner of Michigan. In central Michi-

gan, on the other hand, borers were as numerous as in the eastern counties, which have been infested much longer.

The survey of 760 corn fields in the Eastern States showed significant increases in corn borer numbers in southwestern Vermont, in central Massachusetts, in eastern Connecticut, in Rhode Island west of Narragansett Bay, and in Monmouth county, Rhode Island. Except in Essex and Bristol counties, Massachusetts, where the numbers were about the same as last year, this year's infestation fell off along the Atlantic coast, from New York County, Maine, to and including Bristol and Newport counties, Rhode Island. The borer appeared in about the same numbers as last year in northwestern Vermont, in Hartford and New Haven counties, Connecticut, and in the Burlington-Ocean county group in New Jersey. It decreased in Middlesex county, Connecticut, on Long Island, and on the eastern shores of Maryland and Virginia. The heaviest borer concentrations still are in southern New England and on Long Island. Only light infestations were found in Maine and New Hampshire. Several fields in Sussex County, Delaware, surveyed this year for the first time, were infested.

"The fact that the corn borer, which demands plenty of moisture for best development, came through a dry season so successfully and is now concentrated along the outer edges of the infested area shows the need for control measures this fall," says L. A. Strong, Chief of the Bureau of Entomology and Plant Quarantine. Clean plowing of all infested fields and destruction before May 1st, 1937—preferably by burning—of all debris and stubble that shelter this year's brood of corn borers will make next year's brood much smaller. This general clean-up of corn fields should be a community project, Mr. Strong points out, for a field left alone may become a center of infestation for others in the vicinity when the 1937 corn begins to grow.

#### Annual Report Issued on Fisheries

Under the title "Fishery Industries of the United States, 1935" the U. S. Bureau of Fisheries has issued its annual report covering the work of the Bureau and furnishing detailed statistics on the fisheries for 1934. Copies of the bulletin (Fisheries Bureau Administrative Report No. 24) may be obtained from the Superintendent of Documents, Government Printing Office, Washington, for 30 cents each.

#### North Dakota Salmon Labeling Regulation

The State Food Commissioner of North Dakota, on October 15, 1936, adopted the following regulations to become effective on January 1, 1937:

"Canned salmon shall be labeled to designate the species of salmon in the can with one of the common names listed below belonging to the species of fish canned:

1. *Oncorhynchus nerka*. Red or Red (blueback or sockeye).
2. *Oncorhynchus tshawytscha*. Chinook or Chinook (king or spring).
3. *Oncorhynchus kisutch*. Coho or Coho (medium red or silver).
4. *Oncorhynchus gorbuscha*. Pink or humpback.
5. *Oncorhynchus keta*. Chum, keta or dog."

## EXPORTS AND IMPORTS OF CANNED FOODS

Exports of canned foods in September showed increases in meats, evaporated milk, and fish, and decreases in vegetables, condensed milk, and fruits, as compared with the same month a year ago. For the nine-month period, as compared with 1935, there has been a decline in exports of meats, condensed milk, and evaporated milk; vegetables, fruits and fish show increases.

September imports of condensed and evaporated milk, fish in oil except tuna, the vegetable items, and pineapple registered increases over the corresponding month of 1935. Other items decreased. For the nine months there were increases over the corresponding period last year in meats, condensed and evaporated milk, sardines, anchovies, other fish in oil, clams and oysters, lobsters, and other fish not in oil, other vegetables, and pineapple.

EXPORTS	September, 1935		September, 1936		Jan.-Sept., 1935		Jan.-Sept., 1936	
	Pounds	Value	Pounds	Value	Pounds	Value	Pounds	Value
Canned meats, total...	827,633	\$258,588	951,651	\$317,642	9,943,532	\$3,396,877	9,116,062	\$2,758,552
Beef.....	116,232	36,593	149,472	41,891	1,708,815	577,198	1,411,096	420,178
Pork.....	441,262	156,411	593,531	220,586	6,761,312	2,466,382	5,479,129	1,943,000
Sausage.....	125,479	28,796	89,678	25,377	768,439	197,543	846,066	230,011
Other.....	144,660	36,788	118,970	29,788	704,966	155,754	1,379,791	265,363
Canned vegetables, total	3,532,346	355,963	3,101,106	333,319	26,348,526	2,684,260	29,347,771	3,037,832
Asparagus.....	1,592,414	211,735	1,364,164	184,969	14,355,203	1,780,820	14,526,380	1,946,282
Baked beans and pork and beans....	366,894	17,823	338,134	20,914	3,567,134	199,905	3,936,175	209,756
Corn.....	272,007	18,701	103,725	7,973	1,254,467	99,069	1,446,970	109,323
Peas.....	484,617	40,846	135,450	12,781	1,957,476	160,824	2,276,225	178,851
Soups.....	291,700	27,448	390,741	39,332	1,531,332	164,969	2,002,506	204,194
Tomatoes.....	242,104	17,437	388,519	37,227	1,266,688	85,652	1,687,685	123,857
Other.....	282,610	21,973	380,373	30,123	2,416,226	193,021	3,471,830	265,569
Condensed milk.....	235,067	26,844	203,510	24,043	3,808,446	471,439	1,959,871	226,816
Evaporated milk.....	2,382,959	155,179	2,903,553	224,941	24,888,955	1,663,967	19,440,054	1,427,507
Canned fruits, total....	62,161,074	4,504,800	36,526,211	3,987,963	196,697,472	14,590,730	219,984,952	16,098,077
Apples and apple- sauce.....	2,208,145	92,960	827,609	33,904	11,402,379	488,012	9,997,794	423,896
Apricots.....	3,529,222	266,389	2,771,671	206,220	14,722,452	1,136,790	21,653,723	1,574,341
Berries, other.....	133,004	16,301	232,438	25,621	553,505	65,127	887,878	101,188
Cherries.....	206,176	21,507	269,767	25,299	1,038,820	108,179	1,559,381	159,824
Fruits for salad.....	7,468,541	766,410	7,185,579	724,086	25,815,869	2,763,439	25,872,063	2,721,771
Grapefruit.....	3,189,195	176,460	483,733	33,080	28,469,758	1,647,017	23,552,096	1,454,945
Loganberries.....	468,936	34,128	455,627	35,054	3,979,773	276,285	3,596,383	264,827
Peaches.....	27,754,921	1,896,994	17,355,324	1,194,158	47,786,636	3,347,528	61,382,809	4,101,976
Pears.....	11,965,239	829,621	1,835,885	1,306,864	44,349,169	3,266,676	48,253,192	3,416,337
Pineapple.....	4,475,372	340,518	4,452,765	346,875	16,033,816	1,258,645	19,697,926	1,579,623
Prunes.....	98,356	5,860	655,813	56,802	(492,704	40,263)	3,531,707	299,349
Other.....	683,967	57,652			(2,052,591	192,769)		
Canned fish, total....	12,600,440	1,627,987	19,296,500	2,398,130	66,486,983	7,438,348	69,438,812	7,634,213
Mackerel.....	191,802	9,604	75,834	3,856	1,526,226	75,108	611,720	34,466
Salmon.....	6,590,749	1,205,585	11,470,290	1,833,751	35,022,470	5,172,264	30,337,690	5,004,976
Sardines.....	5,073,177	303,833	6,799,052	421,340	26,510,119	1,672,705	34,528,606	1,978,506
Shrimp.....	627,776	88,146	661,001	91,297	2,601,167	400,208	2,668,671	413,777
Shellfish, other.....			269,479	43,806			973,827	154,352
Other.....	116,936	20,819	20,844	4,080	827,001	118,063	318,298	48,156
IMPORTS								
Canned meats.....	7,763,467	566,094	6,446,436	615,403	57,533,869	4,058,175	73,425,247	7,101,289
Condensed and evap- orated milk.....	99,846	3,344	378,839	18,543	477,123	34,353	1,527,991	65,301
Canned fish in oil:								
Sardines.....	2,527,835	325,073	4,582,379	634,635	20,440,112	2,448,474	26,815,837	3,437,219
Anchovies.....	218,388	75,525	255,938	85,645	1,553,166	522,199	1,694,020	594,295
Tuna.....	872,573	149,100	284,678	48,420	6,814,924	1,051,499	6,506,465	1,041,067
Other.....	35,651	8,807	76,393	21,224	404,355	112,747	541,686	149,448
Canned shellfish:								
Crab meat.....	1,151,727	396,882	867,362	309,653	8,255,949	2,655,157	7,820,588	2,508,331
Clams and oysters..	98,095	20,954	63,955	14,383	893,448	203,876	1,039,199	225,888
Lobsters.....	123,666	47,530	17,377	7,693	620,217	280,999	575,577	310,067
Other canned fish....	2,251,452	163,429	2,088,430	152,948	12,314,376	915,936	14,815,174	1,115,010
Canned vegetables:								
Peas.....	30,364	3,531	95,126	15,692	727,179	57,414	274,273	28,970
Mushrooms.....	32,195	10,328	52,735	17,498	393,468	126,427	328,137	105,227
Tomatoes.....	5,283,257	193,621	6,119,291	236,466	44,584,074	1,759,040	38,613,926	1,499,845
Tomato paste and sauce.....	736,887	82,954	820,940	70,390	6,951,933	588,555	6,154,952	561,783
Other.....	13,546	711	24,762	1,761	146,894	8,160	207,115	11,831
Canned pineapple, duti- able.....	198,371	8,909	1,702,464	85,912	4,950,121	241,392	7,179,108	360,888
Philippine Islands, free.....	654,912	33,033	1,365,720	67,321	4,667,611	237,194	6,893,240	278,640

### LICENSE REQUIREMENTS

(Continued from page 5087)

The Department of Agriculture in administering the Act ruled that this definition of commerce evidenced an intention on the part of Congress to include canners and that all canners were required to take out licenses.

To the extent that this ruling covered canners who purchased products and canned them in the state where they were grown it was of doubtful constitutional validity due to the intrastate nature of such transactions. Furthermore, the debates in Congress on the original bill seemed to indicate a lack of legislative intent to include such transactions. Accordingly, the Department of Agriculture recommended that the definition of "dealer" be amended to exclude canners falling in this category.

This recommendation was accepted and by the Act of April 13, 1934 (Public No. 159, 73d Congress; 48 Stat. 584) an additional exception to the definition of dealer was added as follows:

"(C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a 'dealer' whether or not the canned or processed product is to be shipped in interstate or foreign commerce."

The Committee on Agriculture of the House of Representatives made the following statement concerning this amendment:

"Section 1 amends the definition of the term 'dealer' as contained in the Perishable Agricultural Commodities Act, making it clear that the licensing provisions of that act do not apply to canners and other processors who buy only products grown within the State where such products are canned or processed. Debate on the original bill shows that it was not contemplated that canners and processors buying only raw products within the State where canned or processed would be required to be licensed. Authorities later ruled, however, that the language of the definition of 'commerce' required the licensing of such canners or processors. A bill to accomplish the exemption herein recommended passed the Senate during the last Congress but did not reach the House for consideration before adjournment."

This same Act amends several other sections of the original statute. Further amendments were made by the Act of June 19, 1936 (Public No. 702, 74th Congress). None of these are material to the question here under consideration.

The amended Act thus expressly exempts canning operations when the commodities purchased are grown and canned in the same state. This is true irrespective of whether the purchases are made in the open market or under contract. The exemption turns, not upon the character of the purchases, but upon the local and intrastate character of the transaction.

Where, however, the fruits and vegetables purchased are grown in a state different from that in which canned it seems clear that the Act is intended to apply to the canner purchasing them. This is an interstate transaction, and the definition of "dealer" as "any person engaged in the business of buying or selling \* \* \* any perishable agricultural commodity in interstate" commerce is amply broad enough to include canners. The legislative history, coupled with the departmental construction, the acquiescence of Congress in it, and an ex-

press exemption of a particular class of canners, clearly evinces a legislative intent to include all others.

Furthermore, there is nothing in this definition which would limit its application to canners purchasing in the open market. No reference is made to the method of purchasing, and a canner who buys only under contract with the grower is "engaged in the business of buying" agricultural commodities just as much as one who purchases only in the open market. Indeed the purpose of the Act indicates that there are equal if not stronger reasons for including purchases under contract. One of the evils aimed at was the rejection of purchases by the dealer when the market had declined. The opportunities for perpetuating such frauds are equally open to canners purchasing under future contracts with the growers.

The definition of dealer does contain, however, one exception upon which an argument for the exemption of canners so purchasing might be predicated. It is provided that

"(A) no producer shall be considered as a 'dealer' in respect of sales of any such commodity of his own raising."

The contention might be made that a canner who furnishes seed, fertilizer, and perhaps cash advances to a grower and agrees to take his entire output has such a substantial interest in the crop that he is in effect the producer. It is believed, however, that this argument is without merit. In order for the canner to qualify as a producer it would be necessary for him to actually have some interest in the land and be the grower of the crop. If, for example, he leased a certain number of acres from the farmer and paid him to farm the land he could then properly be classified as the producer of the crop.

Some basis for contending that the canner was a producer might also exist if he entered into a partnership arrangement with the farmer. Under such an arrangement the farmer would furnish the land and the labor, and the canner the capital, the seed, the fertilizer, the crop to be divided between them. If the canner were to purchase the farmer's share of the crop he would probably be a "dealer" as to that portion.

It should be noted, however, that in all of the supposed cases the canner *actually bears the risk of the enterprise*, or at least part of it. In the event of a crop failure the loss would fall on him. This is not true, however, of the typical canner-grower contracts. These are essentially contracts to purchase in the future. All risks are borne by the farmer, and in the event of a crop failure the canner has lost only his seed and fertilizer. In most cases he would still have a claim against the farmer for the amount of any advances.

Under such an arrangement it is impossible to say that the canner is a producer of the farm products. This is the view taken by the Department of Agriculture in administering the Act. They have ruled informally that a canner furnishing seed and buying under contracts with the farmer is not a producer, but is subject to the Act.

It should be noted, however, that the definition of dealer includes only those persons engaged in buying or selling "in carloads." Part 6 of Section 1 defines this term as follows:

"As used in this paragraph, the term 'in carloads' includes wholesale or jobbing quantities as defined for any such commodity by the Secretary."

The Secretary of Agriculture in administering the Act has defined "wholesale or jobbing quantities" as follows:

REVISION OF CORN PACK REPORT

Owing to a correction in one canner's report received after  
the tables in the Information Letter were set up, the following  
revisions are made:

Page 5091 "Other States" 1936 Pack should read 636,444

Total 1936 Pack ~ 14,559,480

Page 5092 "Other States" Evergreen should read 169,239

Total Evergreen ~ 2,657,497

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"This term as used in section 1, paragraph 6, of the act means quantities of produce of not less than 1 ton in weight shipped or received by rail, truck, boat, or any other means of transportation."

A canner purchasing commodities grown in another state is, therefore, subject to the Act only if he purchases in quantities of one ton or more. Individual purchases of less than one ton cannot be considered in determining the applicability of the Act. For this purpose each contract with a grower must be treated as a separate purchase.

A further limitation is imposed by the word "engaged" used in the definition of dealer. A person is a dealer only if he is *engaged* in the business of buying or selling in quantities of a ton or more. A canner making only a few isolated purchases of a ton or more cannot be said to be *engaged* in the business of buying in such quantities. The Department of Agriculture has applied this test in administering the Act, and does not require a person making only one or two purchases of a ton in quantity to take out a license.

The application of the Act to the canning industry may be summarized as follows:

(1) A canner canning only products grown in the same state is not subject to the Act.

(2) If a canner purchases products grown in other states he is not subject to the Act *unless* he makes a substantial number (more than one or two) of interstate purchases which are of a ton or more in quantity.

(3) In considering whether a canner's interstate purchases are sufficient to make him subject to the Act it is immaterial whether the purchases are made in the open market or under contracts with the grower.

ters, this rule is almost a verbatim repetition of the language of the Robinson-Patman Act itself, and does not indicate what interpretation is to be placed upon the Act.

### Egyptians Like American Pilchards

The United States in the last few years has become increasingly important as a supplier of preserved fish to the Egyptian market, according to the American trade commissioner at Cairo. The popularity of American fish products in Egypt has largely dated from the introduction six years ago of the pilchard, which has now become a household word among the natives. Although other nations have begun the exportation of pilchards to Egypt, they have not met with much favor as in most cases the "original" or American pilchard is the one demanded.

While other American varieties of preserved fish have not met a similar measure of success as the pilchard, there is little doubt, the report states, that their sale could be appreciably increased, providing prices and other conditions are favorable. Japan is the principal source of Egypt's imports of tuna fish and salmon, while Portugal supplies the largest proportion of canned sardines. Egyptian imports of pilchards from the United States in 1935 were valued at approximately \$200,000, an increase of approximately 50 per cent compared with the preceding year.

### Hearing on Oregon Cauliflower Marketing Agreement

A hearing on a proposed marketing agreement or a proposed order regulating the handling of cauliflower grown in Oregon will be held in Portland on November 9th by the Agricultural Adjustment Administration. Announcement of the hearing stated that an emergency exists in the handling of the product in that area, which requires a shorter period of notice than usual.

### CORN PACK IN 1936

Two hundred and ninety canners packed corn during 1936. Reports from 282 of these packers, together with estimates for 8 small operators who did not report, show a total pack of 14,453,504 cases. Owing to the drought in the mid-West, the pack of corn in most of the mid-western states was considerably less this year than in 1935, as indicated in the following table:

State	1935 Cases	1936 Cases
Maine, Vermont and New Hampshire.....	1,864,421	2,028,612
New York.....	1,097,136	940,970
Maryland and Delaware.....	1,712,425	2,304,685
Pennsylvania.....	304,819	665,666
Ohio.....	1,436,836	852,286
Indiana.....	2,162,504	808,963
Illinois.....	4,668,544	2,566,195
Wisconsin.....	897,474	570,211
Minnesota.....	3,211,707	2,179,670
Iowa and Nebraska.....	2,723,524	1,005,748
Other States.....	612,821	530,498
Total.....	20,692,211	14,453,504

### Fruit and Vegetable Market Competition

Carlot Shipments as Reported by the Bureau of Agricultural Economics, Department of Agriculture

VEGETABLES	Week ending		Season total to		
	Oct. 31, 1935	Oct. 31, 1936	Oct. 24, 1936	Oct. 31, 1935	Oct. 31, 1936
Beans, snap and lima	325	252	123	9,190	8,665
Tomatoes.....	277	358	379	22,900	24,473
Green peas.....	78	80	83	7,294	7,311
Spinach.....	66	15	10	5,697	7,624
Others:					
Domestic, competing directly.....	1,872	2,539	1,861	91,234	100,514
Imports, competing indirectly....	60	58	74	382	442
 FRUITS					
Citrus, domestic.....	1,972	2,212	2,271	156,058	139,741
Imports.....	18	0	0	316	91
Others, domestic.....	2,942	2,502	2,362	46,326	46,342

### Trade Practice Rules for Plywood Industry

The proposed trade practice rules for the Douglas fir plywood manufacturing industry, tentatively approved by the Federal Trade Commission and made public on November 3rd, contain a rule covering practices coming under the Robinson-Patman Act practically identical with the rule previously given tentative approval for the fertilizer, mirror, and rubber tire industries. As stated in earlier Information Let-

In addition to sweet corn, 31 canners reported the pack of field corn. The total pack of field corn in the Eastern group of states was 219,161 cases and in the Western group 775,799 cases, or a total of 994,960 cases.

Ten canners reported a pack of sweet corn on the cob. The total of this style of pack in the East was 26,726 cases

and in the West 68,516 cases, or a total for the United States of 95,242 cases.

For the first time statistics of the corn pack have been assembled this year to show the pack in each state by varieties. The following table shows the pack by styles and varieties in the various states:

STATE	Cream style				Whole grain	
	Evergreen Cases	Narrow Grain Cases	Gentleman Cases	Crosby Cases	Bantam and Yellow Cases	Yellow Cases
Maine, Vermont, and New Hampshire.....	.....	.....	26,156	260,922	1,475,288	266,163
New York.....	39,630	.....	29,433	4,033	638,719	221,556
Maryland and Delaware.....	1,140,663	166,881	29,431	.....	126,987	237,593
Pennsylvania.....	257,400	.....	3,000	.....	18,000	83,888
Ohio.....	115,400	339,119	88,413	.....	214,791	81,568
Indiana.....	194,785	30,680	367,914	.....	130,915	39,302
Illinois.....	178,603	86,036	872,972	25,330	763,028	533,179
Wisconsin.....	167,834	44,725	26,313	5,890	161,872	134,521
Minnesota.....	1,564	.....	74,445	53,472	840,405	1,175,550
Iowa and Nebraska.....	393,380	266,836	48,952	.....	270,025	21,954
Other States.....	62,292	.....	58,443	6,067	306,980	95,286
Total.....	2,551,551	934,277	1,625,472	355,714	4,947,010	2,890,560
						1,148,920

## LEGISLATIVE QUESTIONS

### Various Statutes Enacted for Limited Period Ex-pire in 1937

Congress convenes on January 5th and in addition to new legislation that may be introduced, as well as the routine legislation on appropriations, will have before it questions arising from the expiration of various statutes enacted for limited periods. Among these are:

President's power to vary gold content of dollar, to fix weight of silver at a ratio in relation to the gold dollar, and to provide for unlimited coinage of gold and silver at this ratio—January 30, 1937.

Power of Federal Reserve Board to permit issue of Federal Reserve notes with collateral security in form of obligations of U. S. government instead of commercial paper arising from business transactions—March 3, 1937.

President's power to negotiate reciprocal trade agreements—June 12, 1937.

Extension of operations of Reconstruction Finance Corporation—February 1, 1937.

Neutrality Act—May 1, 1937.

Insurance of modernization loans under the National Housing Act—April 1, 1937.

Extension of Electric Home and Farm Authority—February 1, 1937.

Reduced rate of interest from farm mortgages given to Federal Land Banks—July 1, 1937.

Compact among oil-producing states—September 1, 1937.

Appropriations for Civilian Conservation Corps—March 31, 1937.

Various excise taxes, including those on gasoline, radios, mechanical refrigerators, firearms, and automobiles—June 30, 1937.

Domestic sugar quotas—December 31, 1937.

Three cent postage rate—July 1, 1937.

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